

FILED

AUG 29 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

No. C 06-3150 MHP (pr)

Petitioner,

**ORDER OF DISMISSAL**

v.

BOARD OF PRISON TERMS,

Respondent.

This action was opened when this court received a petition for writ of habeas corpus written by Thomas Mills. The petition did not come directly from Mills, but rather was forwarded to this court from the U. S. Court of Appeals For The Ninth Circuit. The petition lists the California Supreme Court as the court in which it was filed. However, the petition doesn't appear currently intended for the California Supreme Court as it was stamped as California Supreme Court Case No. S136428 and the penultimate page of the document is a one-page denial of the petition in California Supreme Court Case No. S136428. It thus appears that the California Supreme Court case has concluded.


Insofar as the petition is intended to be a petition for writ of habeas corpus under 28 U.S.C. § 2254, it has several problems. First, this court lacks jurisdiction to entertain the petition that contains only state law claims. Second, nothing in the petition suggests that the Northern District of California is the right venue for it: the petitioner is incarcerated in the Eastern District of California and there is no allegation that anything relevant occurred in the Northern District of California. Third, Mills did not file an in forma pauperis application or

1 pay the filing fee, even though he was notified that the action would be dismissed if he did  
2 not do so.

3 The court now dismisses the action without prejudice for failure to pay the filing fee  
4 or file an in forma pauperis application. The clerk shall close the file.

5 IT IS SO ORDERED.

6 DATED: August 28, 2006

  
Marilyn Hall Patel  
United States District Judge